

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-00-0012 LKK KJM P

vs.

LAMANCE COOKIE BERT,

Movant.

ORDER

Movant, a federal prisoner proceeding through counsel, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 30, 2007, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Both parties have filed objections to the findings and recommendations and movant's counsel has submitted a new declaration from trial counsel, which the court will consider in reviewing the file.

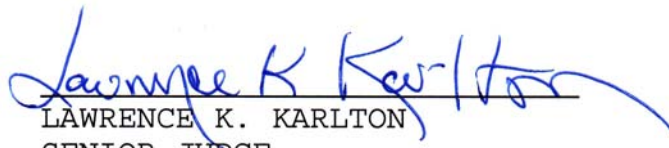
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the

1 entire file, the court finds the findings and recommendations to be supported by the record and  
2 by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed August 30, 2007, are adopted in full;  
5 2. Movant's December 20, 2004 motion to vacate, set aside, or correct his  
6 sentence pursuant to 28 U.S.C. § 2255 is denied; and  
7 3. The Clerk of the Court is directed to close the companion civil case, No. CIV  
8 S- 04-2628 LKK KJM P.

9 DATED: November 16, 2007.

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12 LAWRENCE K. KARLTON  
13 SENIOR JUDGE  
14 UNITED STATES DISTRICT COURT  
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